SINGLE BENCH

P.R. No. 14/2/07
Presented on 19/2/07
P.M. Shrivastava

(9) 1

CF 1007

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G.)

WRIT PETITION (SERVICE) NO.1178 2007

PETITIONER: Prakash Kumar Soni S/o Sri Puna Ram Soni, Aged about 31 Years, R/o Village Bazar Para, Behind Bhadra Kali Mandir, Ward No.15, Tah & Distt – Bemetara (C.G.)

VERSUS

RESPONDENTS

1) The State of C.G. Through the Secretary LawDepartment,D.K.S.Bhawan,Raipur(C. G.)

2) The High court of C.G.Through the Registrar General High court of C.G. Bilaspur (C.G.)

3) The Establishment of The DistrictJudge Durg,Through :TheSuperintendent, District judge Durg, C.G.

RECEIVED-COPY
19/2/07
CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR GRANT OF WRIT NATURE OF MANDAMUS OR CERCIORARI OR ANY WRIT OR DIRECTION OF THE LIKE NATAURE

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (s) No. 1178 of 2007

Petitioner — Prakash Kumar Soni

Versus

Respondents — The State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Mr. S.C. Verma, counsel for the petitioner.
Mrs. Anju Ahuja, Dy. Govt. Advocate for the respondent No. 1/State.

ORDER

(Passed on this 28th day of February, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner was initially appointed for a period of 89 days vide order dated 16.4.1996 (P/2). Thereafter, he was appointed on temporary basis on probation for period of two years vide order dated 12.10.98 (P/5) on the post of Peon with the condition that during the probation period, the appointment of the petitioner can be terminated without assigning any reason. Vide order dated 4.1.99 (P/6), engagement of the petitioner was discontinued during the probation period on the ground of 'no longer required' with one month's salary in lieu of notice.

2. It is well settled principle of law that during the probation period, the employee has no right to the post. The services of the petitioner can be terminated on the ground of 'no longer required'. In the impugned order, there is no stigma attached to it. Termination of the petitioner was not on any other ground, except that he was 'no longer required'. Even otherwise, the original posting of the petitioner was only for a period of 89 days

without inviting open competition from all similarly situated candidates, dehors the constitutional scheme of employment in public services.

3. Being aggrieved, earlier the petitioner had filed a Writ Petition, being W.P. No. 734/2005, seeking for the same relief, as sought for, in this petition. The said writ petition was dismissed vide order dated 15.6.2006 (P/9) with a direction that pending appeal before the Registrar General, High Court of Chhattisgarh would be decided expeditiously. Pursuant to the order dated 15.6.2006, passed by this Court, the Registrar General dismissed the representation (appeal) vide order dated 27.6.2006 (P/1).

4. There is no merit in this petition and there is no semblance of any legal right to seek relief under Article 226 of the Constitution of India. Thus, this writ petition is dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge

Bablu